

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-09-7785

Respondent: Yenong Xie
JMStar Powersports, Inc.
796 Sunflower Circle
Weston, FL 33327

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered as a result of the inspection specified in Table 1, attached, incorporated into this Agreement by reference. The civil violations that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicles/engines specified therein.
2. Respondent admits being subject to the Clean Air Act (CAA) and its associated regulations and that the United States Environmental Protection Agency (EPA) has jurisdiction over the Respondent and the Respondent's conduct described in Table 2. Respondent does not contest the findings detailed therein, and waives any objections Respondent may have to EPA's jurisdiction.
3. Respondent consents to the payment of the penalty in the amount specified in Table 3, attached, incorporated into the Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, detailed in Table 3, has been carried out.
4. By its first signature below, EPA ratifies the findings resulting from the inspection and alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Expedited Settlement Agreement to EPA, Respondent consents to EPA's approval of the Expedited Settlement without further notice. Respondent acknowledges that this Expedited Settlement Agreement is binding on the parties signing below, and becomes effective upon the EPA Air Enforcement Division Director's signature.

RATIFIED BY EPA:

Pamela J. Mazakas
Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 7/20/09

APPROVED BY RESPONDENT:

Name (print): Yenong Xie

Title (print): president

Signature: [Signature]

APPROVED BY EPA:

Pamela J. Mazakas

Date: 9/3/09

Pamela J. Mazakas, Acting Director, Air Enforcement Division

Table 1 - Inspection Information

Entry/Inspection Date(s)		Docket Number:	
June 9 - 25, 2009		C A A - 0 9 - 7 7 8 5	
Inspection Location		Entry/Inspection Number(s)	
Econo Caribe		A L 6 - 0 0 4 4 3 9 6 7	
Address		Inspector(s) Name(s):	
725 SE 9 th Court		Jennifer Solano and Jose Alberto Colon, U.S. Customs	
City:		EPA Approving Official:	
Hialeah		Pamela J. Mazakas	
State:	Zip Code:	EPA Enforcement Contact:	
FL	33010	Jacqueline Robles Werner	
Respondent:			
Yenong Xie, President			

Table 2 - Description of Violation and Vehicles/Engines

JMStar Powersports, Inc., imported 4 ATVs with EPA labels that are missing certain emission control information and 40 highway motorcycles that are uncertified because their carburetors have adjustable air/fuel mixture screws and thus do not conform to the design specifications in the application for certification. Therefore the company is liable for 4 violations of 40 C.F.R. §1068.101(a)(1) for importing recreational vehicles not bearing the required labels and 40 violations of 42 U.S.C. § 7522(a)(1).

Equipment Description	Engine Family	Manufacturer	Model Year	Quantity
ATVs, Model XYJK800	9SXPX.812XYF	Xingyue Group Co., Ltd.	2009	4
Motorcycles, Model JSdT150T-20	9SJMC0.15NFG	Shanghai JMStar Motorcycle Co. Ltd.	2009	40

Table 3 - Penalty and Required Remediation

Penalty	\$9,100
Required Remediation	Shanghai Xingyue USA, Inc., or its authorized representative must re-label the 4 above-mentioned ATVs with EPA-compliant labels that include the SAE abbreviations PAIR (for pulsed-design air injection), TWC (for three-way catalyst), and MFI (for mechanical fuel injection). Note that the test report in the application for certification also listed the use of a heated oxygen sensor on the test vehicle. If the vehicle design uses a heated oxygen sensor, then the abbreviation HO2S must also appear on the emission control label. Shanghai Xingyue USA, Inc., or its authorized representative must also send EPA a photograph of the EPA-compliant label attached to each vehicle once labeled, and submit to EPA a signed report of corrective action. In addition, JMStar Powersports, Inc., must export or destroy the 40 above-mentioned motorcycles and provide EPA with a report and documentation proving that such exportation or destruction has occurred.